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FILED IN  
1st COURT OF APPEALS  
HOUSTON, TEXAS  
5/17/2021 3:27:39 PM  
CHRISTOPHER A. PRINE  
Clerk

Chris Prine, Clerk of the Court  
First Court of Appeals  
201 Fannin  
Houston, Texas 77002

RE: 01-20-00477-CR, *In re the State of Texas,*  
*Ex Rel Brian W. Wice, Relator.*

Dear Mr. Prine:

Please bring this letter to the attention of the panel comprised of Justices Goodman, Countiss, and Hightower before whom the above-styled and numbered case is now pending.

This original proceeding, one subject to expedited review,<sup>1</sup> has been pending a tad shy of *seven months*. Relator's motion for oral argument, noting without contradiction this proceeding and the unique and cutting-edge issues it presents, touches on every consideration warranting oral argument,<sup>2</sup> has been pending for almost *three months*. And, the trio of

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<sup>1</sup> Murry Cohen, who served on this Court with distinction for over almost two decades, was fond of saying that, "Nothing adds more time to an appellate matter than labeling it 'expedited.'"

<sup>2</sup> See generally Tex. R. App. P. 39.1(a)-(d); Motion for Oral Argument at 2-3.

felony prosecutions involving the sitting Texas Attorney General ancillary to this original matter has been pending for over almost *six years*.

Viewed against this backdrop, it is altogether reasonable and proper for the panel to devote *thirty minutes* to discussing the novel issues that impact Texas jurisprudence in this matter at oral argument.<sup>3</sup> Argument may help resolve whatever questions have prevented the resolution of this petition. Every question answered by the parties during argument is one less the Court will be called upon to answer in a motion for rehearing or suggestion for reconsideration en banc.

This letter was today served by e-filing on all counsel of record.

/s/ BRIAN W. WICE

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<sup>3</sup> A dispassionate review of the three criminal cases currently set for oral argument reveals that none present any issue or issues any more unique, important to the jurisprudence of Texas, or otherwise more worthy of oral argument than the issues extant in this original proceeding.